

JAN - 9 1981 - 9 15 AM



4901 BROADWAY, SUITE 231 SAN ANTONIO, TX 78209 512/826-2082

January 5, 1981

1-009A020

Mrs. Agatha L. Mergenovich
Secretary
Interstate Commerce Commission
Washington, D. C. 20423

No.

JAN 9 1981

Date.....

Fee \$ 10.00

ICC Washington, D. C.

Dear Mrs. Mergenovich:

Pursuant to 49 U.S.C. § 11303, enclosed for filing please find the original and two certified true copies of a Release and Cancellation of Railroad Car Lease Agreement. Also enclosed is a check for \$10.00 to cover the filing fee.

This Release and Cancellation relates to the Railroad Car Lease Agreement filed on December 11, 1979 at 12:55 p.m. and assigned recordation number 11186. The names and addresses of the parties to the lease agreement are as follows:

Lessor: San Miguel Electric Cooperative, Inc.
P. O. Box 280
Jourdanton, Texas 78026

Lessee: RailTex, Inc.
4901 Broadway
Suite 231
San Antonio, Texas 78209

This Railroad Car Lease Agreement covered 42 new rapid discharge automatic door, self-cleaning bottom dump rail cars manufactured by Orth Freight Car Company, AAR designation HTS, AAR car-type code K340, bearing serial numbers SMEX 1 through 42, both inclusive.

After filing and stamping, please return the original of this document to Lionel R. Fuller, Esq., 1500 Alamo National Building, San Antonio, Texas 78205.

Thank you for your attention to this matter. If you have any questions or require any further information, please let me know.

Sincerely,

Bruce M. Flohr
President of RailTex, Inc.

BMF:aml

Enclosures

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CHECK FILE
BRANCH

Interstate Commerce Commission
Washington, D.C. 20423

1/12/81

OFFICE OF THE SECRETARY

Bruce M. Flohr
President of Railtex, Inc.
4901 Broadway, Suite 231
San Antonio, Texas 78209

Dear **Sir:**

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on **1/9/81** at **9:15am**, and assigned re-
recording number(s). **11186-A** *Referred to*

Sincerely yours,

Agatha L. Mergenovich
Agatha L. Mergenovich
Secretary

Enclosure(s)

RECORDATION NO. 11186-A Filed 1425

JAN - 9 1981 - 9 15 AM

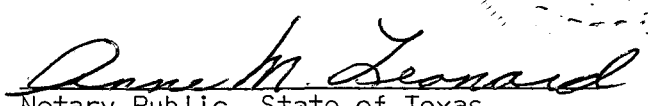
INTERSTATE COMMERCE COMMISSION

CERTIFICATE OF NOTARY PUBLIC

STATE OF TEXAS)
) ss:
COUNTY OF BEXAR)

I, the undersigned Notary Public, State of Texas, do hereby certify that I have compared the attached copy of a Release and Cancellation of Railroad Car Lease Agreement dated December 12th, 1980, executed by San Miguel Electric Cooperative, Inc., as Lessor, and RailTex, Inc., as Lessee, with the original document and that it is a true and correct copy thereof in all respects.

Dated: January 5, 1980.


Notary Public, State of Texas

My Commission expires May 5, 1984

RELEASE AND CANCELLATION OF
RAILROAD CAR LEASE AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that

WHEREAS, on November 19, 1979, San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026 (Lessor), and RailTex, Inc., 4901 Broadway, Suite 206, San Antonio, Texas 78209 (Lessee), entered into a Railroad Car Lease Agreement (Lease); and

WHEREAS, the Lease related to 42 new rapid discharge, automatic door, self-cleaning bottom dump rail cars manufactured by Ortner Freight Car Company, AAR mechanical designation HTS, AAR car-type code K340, bearing serial numbers SMEX 1 through 42, both inclusive; and

WHEREAS, pursuant to 49 U.S.C. § 11303 (formerly section 20c of the Interstate Commerce Act) the Lease was properly recorded at the Interstate Commerce Commission, Washington, D.C. 20423, on December 11, 1979 at 12:55 p.m. and was assigned recordation number 11186; and

WHEREAS, the Lessor and Lessee have now terminated the Lease and agree that the Lease shall no longer have any force or effect;

NOW THEREFORE, in consideration of the mutual release and discharge of their respective obligations under the Lease, and other good and valuable consideration, Lessor and Lessee hereby release and discharge each other from any further obligations or duties under the Lease and agree that the Lease is terminated, cancelled, and of no further force or effect whatsoever.

IN WITNESS WHEREOF, Lessor and Lessee, pursuant to due corporate authority, have caused this instrument to be executed in their respective corporate names by authorized corporate officers, have caused their respective corporate seals to be affixed hereto, and have caused this instrument to be duly attested this 12th day of December, 1980.

SAN MIGUEL ELECTIC COOPERATIVE, INC.

By Mac A. Balan

Title President

Attest:

By Booby E. Sullivan

Title Secretary

RAILTEX, INC.

By Bruce M. Flohr

Title PRESIDENT

Attest:

By Janet Lennie Flohr

Title SECRETARY

CORPORATE ACKNOWLEDGEMENT
OF SAN MIGUEL ELECTRIC COOPERATIVE, INC.

State of Texas)
) ss:
County of Atascosa)

On this 12th day of December, 1980, before me personally appeared Mac A. Coalson, to me personally known, who being by me duly sworn, says that he is the President of SAN MIGUEL ELECTRIC COOPERATIVE, INC., that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

[Seal]

Mary L. Garsch
Name
Maint. Sec.
Title

My Commission expires:

10-16-84

CORPORATE ACKNOWLEDGEMENT
OF RAILTEX, INC.

State of Texas)
) ss:
County of Bexar)

On this 23rd day of December, 1980, before me personally appeared Bruce M. Flohr, to me personally known, who being by me duly sworn, says that he is the President of RAILTEX, INC., that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

[Seal]

Anne M. Leonard
Name

Title

My Commission expires:

May 5, 1984